



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,161	01/12/2004	Michael Sharon	Sharon.01	1235

7590 04/01/2005
PATRICK J. GLYNN
SUITE 129
5818 EAST UNIVERSITY BLVD.
DALLAS, TX 75206

EXAMINER


GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/755,161		Applicant(s) SHARON, MICHAEL	
	Examiner Brian K. Green		Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 10 March 2005.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 11-15 is/are pending in the application.

4a) Of the above claim(s) 13 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 11, 12, 14 and 15 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 12 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species I. (figures 1,10, and 11) in the reply filed on March 10, 2005 is acknowledged. The traversal is on the ground(s) that Species VI (figure 15) should be combined with the elected Species I. since it merely shows an alternative support for the rotational filing system. This is not found persuasive because the support (20) shown in figure 1 is considered to be patentably distinct from the support shown in figure 15.

The requirement is still deemed proper and is therefore made FINAL.

Claim 13 has been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 10, 2005.

Drawings

The drawings are objected to because in figure 12, the cross-section labeled "54-54" should be "XIII-XIII" in order to indicate that the cross-section is shown in figure 13. In figure 6, the applicant numbers to different elements with the same numeral "30" which is improper. Figure 18 fails to show arrows as indicated in the specification, page 6, line 129. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from

the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because it contains more than 150 words which is improper. On lines 4,5,7,8,13, and 16, legal phraseology (means, said) is used which is improper. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: In the specification, page 6, line 122, "seized" should be "sized". On page 6, line 130, "When are a" should be "When a".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, lines 3-4, "said pouch is included in a plurality of said pouches" is confusing since it is not clear whether all of the pouches have the same structure as "the disk-shaped

pouch” and there is no antecedent basis for “said pouches. The applicant is suggested to consider defining in claim 11, line 2, that the system includes a “plurality of disk-shaped pouches”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhold (U.S. Patent No. 1,498,577) in view of Balzer (US Pub. No. 2003/0010815).

The examiner has taken the position that the applicant is not positively claiming the compact disk in claim 14. Reinhold shows in figures 1-6 a disk-shaped pouch (1-3) comprising a first disk-shaped side (1) and a second side (2) that are attached evenly to form a pouch for the containment and removal of a record. Reinhold does not disclose placing a tab on the first disk shaped side. Balzer shows in figures 1-10 the idea of placing a tab (b) on the top edge of a sleeve that can hold CDs, DVDs, etc. In view of the teachings of Balzer it would have been obvious to one in the art to modify Reinhold by placing a tab on the first disk-shaped side since this would allow a plurality of the pouches to be filed together and easily found based upon the indicia placed on the tab, i.e. stored and located in an easier, faster, and more convenient manner.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhold (U.S. Patent No. 1,498,577) in view of Balzer (US Pub. No. 2003/0010815) as applied to claim 14 above and further in view of Kohn (U.S. Patent No. 1,295,763).

The examiner has taken the position that the applicant is positively claiming the compact disk in claim 15. Reinhold in view of Balzer disclose the applicant's basic inventive concept except for placing a center hole in the pouch and making the device stored in the pouch in the form of a compact disk. Kohn shows in the figure the idea of placing a hole (3) in a pouch in order to allow a portion of the article within the pouch to be seen. In view of the teachings of Kohn it would have been obvious to one in the art to modify Reinhold by placing an opening in the pouch since this would allow a portion of the article within the pouch to be seen which would create a more amusing pouch and would allow the contents of the pouch to be determined in a faster and easier manner. Balzer discloses the idea of placing a compact disk within the pouch. In view of the teachings of Balzer it would have been obvious to one in the art to modify Reinhold by placing a compact disk within the pouch since this would allow the pouch to be used to hold a wider range of audio type devices and it is considered within one skilled in the art to replace one type of audio device with another type.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhold (U.S. Patent No. 1,498,577) in view of Balzer (US Pub. No. 2003/0010815) as applied to claim 14 above and further in view of Kawachi (U.S. Patent No. 3,623,615) or Casey et al. (U.S. Patent No. 2,917,179).

The examiner has taken the position that the applicant is not positively claiming the compact disk in claims 11 and 12. Reinhold in view of Balzer disclose the applicant's basic inventive concept except for attaching the disk-shaped pouch onto a support means which rests on a horizontal surface. Kawachi shows in figures 1-8 the idea of placing a plurality of devices (14) onto a housing (12). Casey et al. shows in figures 1-3 the idea of placing a plurality of audio devices (16) onto a housing (10). In view of the teachings of Kawachi or Casey et al. it would have been obvious to one in the art to modify Reinhold by attaching a plurality of the pouches to a support means since this would allow the pouches with audio devices therein to be stored in a more convenient and orderly manner. In regard to claims 11 and 12, the holders shown by Kawachi and Casey are capable of allowing disk-shaped pouches to perform the function of rotating about a common axis of the support means which is parallel to the horizontal surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bkg
March 24, 2005


BRIAN K. GREEN
PRIMARY EXAMINER